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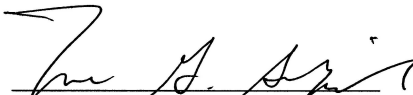
April 15, 2025

VIA ECF

Honorable Lorna G. Schofield
Thurgood Marshall
United States Courthouse
Southern District of New York
40 Foley Square
New York, New York 10007

Application **GRANTED**. Plaintiff has shown good cause under Rule 4(m) to extend the time for service upon Defendant The Bolivarian Republic of Venezuela to **July 28, 2025**. The initial pretrial conference is **ADJOURNED to August 12, 2025 at 3:15 P.M.** The parties shall submit their pre-conference materials by **August 5, 2025**. Plaintiff shall continue to file a letter every 30 days from the date of this Order regarding the status of service and shall promptly notify the Court once service is effectuated. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 12.

Dated: April 16, 2025
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: Mazzaccone v. The Bolivarian Republic of Venezuela
Civil Case No. 24-cv-09114-LGS

Your Honor:

We represent Plaintiff in the above-captioned matter. We write pursuant to Your Honor's January 16, 2025 Order directing Plaintiff to file a status letter regarding the status of service of the summons and complaint in this action upon the defendant, The Bolivarian Republic of Venezuela ("the Republic") (D.E. 7.) Pursuant to Rules I.B and III.D of Your Honor's Individual Rules and Procedures for Civil Cases, we respectfully request: (a) an additional ninety-day extension of the deadline to serve the summons and complaint in this action upon the defendant, The Bolivarian Republic of Venezuela ("the Republic"); (b) a commensurate extension of the May 6, 2025 deadline to file a joint letter and a Proposed Civil Case Management Plan and Scheduling Order; and (c) a commensurate adjournment of the Initial Pretrial Conference scheduled for May 13, 2025 at 3:15 p.m. (*Id.*) Despite Plaintiff's diligence, it appears unlikely that service will be completed by that deadline or before the scheduled Initial Pretrial Conference. As such, we respectfully request extensions of such deadlines.

As a reminder, Plaintiff filed the complaint in this action on November 27, 2024 against the Republic, a foreign sovereign who can only be served pursuant to the methods set forth in 28 U.S.C. § 1608(a). As explained in Plaintiff's January 15, 2025, February 14, 2025 and March 17, 2025 letters, the only viable statutory method of service on the Republic is through diplomatic

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channels involving the United States Department of State, pursuant to Section 1608(a)(4) of the FSIA. (D.E. 6, 9-10.) On February 10, 2025, the Clerk of the Court for the Southern District of New York transmitted service materials to the State Department pursuant to the Clerk's Office Foreign Mailing Instructions regarding Procedures for Service Pursuant to 28 U.S.C. § 1608(a)(4). (D.E. 8.)

We have been in touch with employees of the State Department's Office of the Legal Advisor who are responsible for administering service through diplomatic channels. Our point of contact has confirmed that the State Department has received the necessary papers to effect service pursuant to Section 1608(a)(4). Although we have not been provided with an estimated date of service, our point of contact has informed us that the "service package will be transmitted to Venezuela [this week]." Based on these communications and our prior experience serving the Republic through diplomatic channels, this process may take months. As mentioned in Plaintiff's February 14, 2025 and March 17, 2025 letters, we remain hopeful that service can be effected in advance of the April 28, 2025 deadline for service, though there is no guarantee that the State Department can meet the deadline. Either way, given that the FSIA affords the Republic sixty days to respond after service, *see* 28 U.S.C. 1608(d), it is unlikely that the parties will be in a position to meet the Court's May 6, 2025 deadline to file a joint letter and a Proposed Civil Case Management Plan and Scheduling Order, or attend the Initial Pretrial Conference scheduled for May 13, 2025.

For the foregoing reasons, we respectfully request that the Court extend the April 28, 2025 deadline to serve the summons and complaint by ninety days to July 28, 2025. We further request a commensurate extension of the May 6, 2025 deadline and the May 13, 2025 Initial Pretrial Conference. We will of course apprise the Court of any material developments regarding service of process in the meantime.

Consistent with I.B of Your Honor's Individual Rules and Procedures for Civil Cases, we note that this is the fourth such request for an extension of the foregoing deadlines and that we have not been able to secure the Republic's consent for this request.

We thank the Court for its consideration and would be happy to answer any questions regarding the foregoing.

Respectfully submitted,

By:

Anthony J. Costantini

AJC